

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 217.3(6) and 2016 Iowa Acts, House File 2460, section 12, the Department of Human Services amends Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

These amendments implement the January 1, 2017, cost-of-living adjustment (COLA) increases to the income limits and benefit amounts for several State Supplementary Assistance (SSA) categories. These amendments also implement the changed personal needs allowance for residential care facility assistance and family life home assistance. The net change to the personal needs allowance is a decrease due to a small COLA percentage increase that is offset by a decrease in the average monthly Medicaid copays used to calculate the amount of this deduction.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2890C** on January 4, 2017. These amendments were also Adopted and Filed Emergency and published as **ARC 2891C** on the same date and became effective January 1, 2017. The Department received no comments during the public comment period. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on February 8, 2017.

These amendments do not provide for waivers in specified situations since the increases are required by federal and state law.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 217.3(6) and 2016 Iowa Acts, House File 2460, section 12.

These amendments will become effective April 5, 2017, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Amend subrule 51.4(1) as follows:

51.4(1) Income. Income of a dependent relative shall be less than ~~\$377~~ \$379 per month. When the dependent’s income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

ITEM 2. Amend rule 441—51.7(249) as follows:

441—51.7(249) Income from providing room and board. In determining profit from furnishing room and board or providing family life home care, ~~\$377~~ \$379 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

ITEM 3. Amend subrule 52.1(1) as follows:

52.1(1) Protective living arrangement. The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

\$792 <u>\$797</u>	Care allowance
\$103 <u>\$100</u>	Personal allowance
\$895 <u>\$897</u>	Total

ITEM 4. Amend subrule 52.1(2) as follows:

52.1(2) Dependent relative. The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient’s home.

a. Aged or disabled client and a dependent relative	\$1,110 <u>\$1,114</u>
b. Aged or disabled client, eligible spouse, and a dependent relative	\$1,477 <u>\$1,482</u>

c. Blind client and a dependent relative	\$1,132	<u>\$1,136</u>
d. Blind client, aged or disabled spouse, and a dependent relative	\$1,499	<u>\$1,504</u>
e. Blind client, blind spouse, and a dependent relative	\$1,521	<u>\$1,526</u>

ITEM 5. Amend subrule 52.1(3) as follows:

52.1(3) Residential care. Payment to a recipient in a residential care facility shall be made on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of ~~\$30.05~~ \$30.11. The department shall establish a cost-related per diem rate for each facility choosing this method of payment according to rule 441—54.3(249).

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

- (1) No change.
- (2) An allowance of ~~\$103~~ \$100 to meet personal expenses and Medicaid copayment expenses.
- (3) to (6) No change.

b. to g. No change.

[Filed 2/8/17, effective 4/5/17]

[Published 3/1/17]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/1/17.